

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

TERRY HUPP,	:	
	:	
Petitioner,	:	Case No. 3:10-cv-413
	:	
v.	:	JUDGE WALTER HERBERT RICE
	:	
WARDEN, LEBANON	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	
	:	

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS (DOC. #9) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #11) OF UNITED STATES MAGISTRATE JUDGE IN THEIR ENTIRETY; OVERRULING PETITIONER'S OBJECTIONS TO REPORT AND RECOMMENDATIONS (DOC. #10) AND CONTINUING OBJECTIONS TO REPORT AND RECOMMENDATIONS (DOC. #12); DISMISSING GROUNDS ONE, TWO, THREE, FOUR, FIVE, EIGHT, NINE, TEN, ELEVEN, AND TWELVE OF THE PETITION WITH PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*, TERMINATION ENTRY

Based on the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge, filed May 20, 2011 (Doc. #9), and in the Supplemental Report and Recommendations, filed May 24, 2011 (Doc. #11), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said judicial filings are adopted in their entirety. Petitioner's objections (Doc. #10) and continuing objections (Doc. #12) to said judicial filings

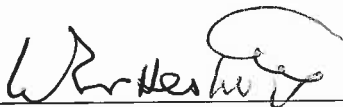
are overruled, and his Petition for a Writ of Habeas Corpus is dismissed with prejudice on Grounds One, Two, Three, Four, Five, Eight, Nine, Ten, Eleven, and Twelve.¹

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered accordingly, in favor of Respondent and against Petitioner, dismissing petition for writ of habeas corpus, with prejudice, on Grounds One, Two, Three, Four, Five, Eight, Nine, Ten, Eleven and Twelve.

This case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 20, 2011


WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record

¹ Petitioner withdrew Grounds Five and Six as errantly raised.